

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

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Attorney for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA)	NO. CR-12-0383/FNL
)	
Plaintiff,)	
)	STIPULATION AND [] ORDER
v.)	VACATING TRIAL DATE AND DOCUMENTING
)	EXCLUSION OF TIME UNDER THE SPEEDY
ALBERTO QUINTERO,)	TRIAL ACT
)	
Defendant.)	

ORDER VACATING TRIAL
DATE AND EXCLUDING TIME
CASE NO. CR-12-0383

1 The defendant, ALBERTO QUINTERO, represented by Hugh Levine, Esquire, and the
2 government, represented by DAMALI A. TAYLOR, Assistant United States Attorney, hereby stipulate
3 to vacate the November 21, 2013 pretrial conference date, as well as the December 2, 2013 trial date.
4 The parties are hopeful that they will resolve the matter without the need for trial. The parties further
5 request that the matter be added to the Court's calendar for a December 5, 2013 change of plea. The
6 parties agree that time should be excluded under the Speedy Trial Act through December 5, 2013.
7 Defense counsel is still actively examining the evidence and conducting investigation to discuss a
8 disposition with the government and to meet and confer with his client regarding said disposition.

9 Based on these facts, the parties stipulate that the currently scheduled November 21, 2013
10 pretrial conference date and the December 2, 2013 trial date should be vacated. The parties further
11 stipulate that the matter should be set for a December 5, 2013 change of plea.

12 The parties further stipulate, in order to review the discovery and to conduct investigation
13 necessary to effectively prepare defendant for either trial or resolution, that time be excluded under the
14 Speedy Trial Act through December 5, 2013. The additional time is necessary to review the evidence
15 and investigate the case, and it is in the best interests of the defendant to do so. The parties agree that
16 the ends of justice served by granting such an exclusion of time outweigh the best interests of the public
17 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

18
19 SO STIPULATED:

20 MELINDA HAAG
21 United States Attorney

22 DATED: November 15, 2013

23 /s/
DAMALI A. TAYLOR
Assistant United States Attorney

24
25 DATED: November 15, 2013

26 /s/
HUGH LEVINE
Counsel for the Defend

ORDER

For the foregoing reasons, the Court HEREBY ORDERS that the November 21, 2013 pretrial conference date and the December 2, 2013 trial date are vacated. The Court also HEREBY ORDERS that the matter is set for a December 5, 2013 change of plea.

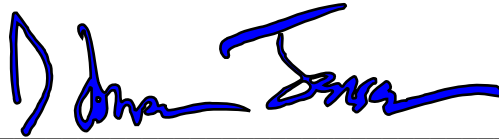
The Court finds that good cause is shown for extending the time limits set forth under Rule 5.1(d) and Title 18, United States Code, Sections 3060 and 3161.

The Court finds that the failure to grant the requested extension would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice served by granting the requested extension outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court also concludes that an exclusion of time through and including December 5, 2013, should be made under Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court also finds that the ends of justice served by excluding the period through and including December 5, 2013 outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

IT IS SO ORDERED.

FFBCH

Dated: _____



D. LOWELL JENSEN
UNITED STATES DISTRICT JUDGE